

# **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. TIM SCHMITZ

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SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. DALE A. RIGHTER  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DAVID R. LEITCH  
REP. DONALD L. MOFFITT  
REP. ANDRÉ THAPEDI

## **MINUTES**

**July 15, 2014**

### **MEETING CALLED TO ORDER**

The Joint Committee on Administrative Rules met on July 15, 2014 at 11:00 a.m. in Room 600C of the Michael A. Bilandic Building, Chicago, Illinois. Co-Chair Schmitz called the meeting to order.

### **POSTPONED CONSIDERATION OF AGENCY RULEMAKING**

*Department of Human Services – Rules of Conduct, Discipline, Suspension and Discharge Procedures (89 Ill. Adm. Code 827; 38 Ill. Reg. 4292)*

Co-Chair Schmitz announced that this rulemaking is still under Extension and will be addressed at the August meeting.

### **JCAR POLICY REGARDING OUTSIDE TESTIMONY**

Co-Chair Schmitz announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

### **ATTENDANCE ROLL CALL**

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
X Senator Tony Muñoz	X Representative David Leitch
Senator Sue Rezin	X Representative Donald Moffitt
X Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	X Representative André Thapedi

### **APPROVAL OF THE MINUTES OF THE JUNE 17, 2014 MEETING**

Senator Righter moved, seconded by Representative Lang, that the minutes of the June 17, 2014 meeting be approved. The motion passed unanimously.

## **REVIEW OF AGENCY RULEMAKINGS**

### ***Department of Insurance – License, Documents Necessary to Engage in Activities and Examinations (50 Ill. Adm. Code 752; 38 Ill. Reg. 7715)***

Senator Althoff moved, seconded by Representative Moffitt, that JCAR recommend that the Department of Insurance be more timely in updating its rules for consistency with statute. The statutory fee change being reflected in this rulemaking occurred over 10 years ago. The motion passed unanimously.

### ***Department of Labor – Payment and Collection of Wages or Final Compensation (56 Ill. Adm. Code 300; 38 Ill. Reg. 7052)***

Senator Harmon moved, seconded by Senator Silverstein, that JCAR recommend that the Department of Labor not adopt this rulemaking until the Governor signs Senate Bill 5622. Several provisions of the rulemaking rely on enactment of that legislation for their statutory authority. The motion passed unanimously.

### ***Department of Public Health – Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380; 38 Ill. Reg. 11819)***

Representative Harris moved, seconded by Representative Thapedi, that JCAR recommend that the Department of Public Health be more timely in implementing statute in rules. The Department missed the statutory deadline for implementation of PA 98-104 by almost six months. The motion passed unanimously.

## **CONSIDERATION OF OTHER RULEMAKINGS**

### ***Pollution Control Board – General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974) and Permits (35 Ill. Adm. Code 502; 37 Ill. Reg. 19005)***

Representative Moffitt stated that, since agriculture is the top industry in Illinois, it was not the intent of the Committee to do anything that would compromise the health of that industry. The rulemakings presented here represent a compromise that may have to be revisited at some point in the future to ensure that these standards are practical and enforced correctly. It is my understanding that the Agriculture Coalition agrees that CAFO standards are needed so that we can continue to issue NPDES permits. But to not reflect the current national standards would be impractical. Given that understanding, I will support these rulemakings today.

Senator Righter moved, seconded by Representative Harris, that JCAR recommend that, when the Pollution Control Board opens its subdocket (July 10, 2014 Order) on the Concentrated Animal Feeding Operations (CAFOs) rulemakings titled General Provisions and Permits, it also address concerns, raised by the USDA's Natural Resources Conservation Service comment to JCAR on May 16, 2014, that these rulemakings are relying on elements of NRCS standards that are now obsolete and have been replaced by new standards. The motion passed unanimously.

### **CERTIFICATION OF NO OBJECTION**

Senator Harmon moved, seconded by Representative Lang, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

### **AUGUST MEETING DATE**

Co-Chair Schmitz announced that the next monthly meeting is scheduled for Tuesday, August 12, 2014 at 11:30 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

### **ADJOURNMENT**

Representative Lang moved, seconded by Representative Leitch, that the meeting stand adjourned. The motion passed unanimously.

*Min:0714Jul*